

Reader Special:
Full Text 1975
of the March ~~1984~~
Extended Grand Jury
Report
on Police Spying
in Chicago

Last spring the Extended March 1975 Cook County Grand Jury began hearing testimony on case 655, which concerned improper intelligence gathering activities conducted by the Chicago Police Department. This month the jury finished its investigation and issued this report, ordering State's Attorney Bernard Carey to make it public, much to the dismay of our City Fathers. We are reprinting it here in full because we think it makes great reading. Whether you consider it comedy or tragedy is entirely up to you. -The Editors.

IMPROPER POLICE INTELLIGENCE ACTIVITIES

A report by the extended March 1975 Cook County Grand Jury.

I. Introduction

(A) *Scope of Grand Jury Investigation 655.*

Grand Jury Investigation 655 has been an inquiry into allegations of improper gathering and dissemination of intelligence data by members of the Security Section of the Chicago Police Department's Intelligence Division.

It is important to emphasize at the outset that the allegations (and hence our investigation) did not touch the Chicago Police Department as a whole nor did it consider intelligence functions as they apply to persons or groups proven to be involved in criminal activities.

Undercover agents and informants are important tools needed by law enforcement agencies for the apprehension of criminals and the prevention of crime.

However, when law enforcement officials lose sight of these objectives and use undercover agents and informants to gather information on law abiding citizens for political purposes, these otherwise proper tools of law enforcement become a serious threat to the very founda-

tions of our democratic society.

Grand Jury Investigation 655 focused only on the abuses by the Chicago Police Department of these otherwise legitimate investigative tools. Thus, two areas were of primary concern to this Grand Jury:

Intelligence gathering activities which were in direct violation of the criminal law, such as burglary and illegal electronic eavesdropping; and

The indiscriminate use of undercover agents, informants and surveillance against citizens and groups who were never suspected of criminal conduct nor gave even the slightest indication of criminal intent.

(B) *Resistance to the Investigation.*

Unlike the hundreds of investigations presented during our regular term as Grand Jurors, Investigation 655 had to be conducted without the assistance of the largest law enforcement agency in the State of Illinois, the Chicago Police Department.

Even though a primary duty of the Chicago Police Department is to produce evidence for the Cook County Grand Jury, the Department and the City of Chicago resisted our lawful orders and subpoenas. The coercive powers of the Court were required to force the Department and the City of Chicago to comply.

The Chicago Police Department's failure to assist this Grand Jury, seemed to us to be an attempt to frustrate our investigation. The Department's attitude and conduct surprised and disappointed this Grand Jury.

The government of the City of Chicago also deserves critical attention for its role in fostering this lack of cooperation.

The hiring of two "special" attorneys by the City of Chicago to represent all Chicago police officers subpoenaed before this Grand Jury achieved a unity of legal control.

This effort to "close ranks" contributed to the uncooperative attitude of the Chicago Police Department.

(C) *The Decision Not to Vote Indictments.*

During the investigation this Grand Jury heard from 71 witnesses, some under trying circumstances. In addition to these witnesses, more than 5,000 pages of subpoenaed documents were studied.

The testimony and documents revealed repeated instances of wrongdoing. This evidence could have been the basis for application by the State's Attorney for indictments.

The evidence has clearly shown that the Security Section of the Chicago Police Department assaulted the fundamental freedoms of speech, association, press and religion, as well as the constitutional right to privacy of hundreds of individuals.

Although the Grand Jury strongly believes that public employees who violate their positions of trust should be punished, three factors led us to the conclusion that the return of indictments would not serve the best interests of the community.

The primary factor leading to our decision was the realization that the return of indictments could and probably would be used by city officials to shift the public's attention away from the grave threat to individual rights and freedoms posed by abusive police intelligence activity. This serious threat to our democratic form of government must not be allowed to depend on the conviction or acquittal of a few.

A second reason for our decision was that some individuals who are equally or even more criminally responsible than those against whom indictments could have been returned, are protected from criminal prosecution by the expiration of the

statute of limitations.

In addition, the culpability of high ranking Chicago Police officers would be obscured by a criminal trial of a few patrolmen. These police officials were insulated from prosecution by level upon level of police officers who invoked their privilege under the Fifth Amendment to the United States Constitution.

The net effect of a criminal prosecution would be to highlight a few disjointed criminal acts, rather than to present a comprehensive overview of an extremely serious problem. Solutions, not sentences, are of paramount importance in understanding and dealing with this problem.

The third reason for our decision was the quality of the evidence available for criminal prosecution. A number of key witnesses, both civilians and members of the Chicago Police Department, are now deceased. Also, crucial physical evidence has been destroyed.

For example, one instance involved the throwing of a tear gas container into a crowd during a performance of a foreign dance troupe. The unexploded tear gas container was subsequently destroyed by the Chicago Police Department.

Further, the Department also destroyed its records of all electronic surveillances conducted prior to January, 1973. Other important corroborative evidence including the files and lists of civilian operatives of the United States Army's 113th Military Intelligence Group have been destroyed.

The inexplicable destruction of crucial evidence would force the State's Attorney to rely heavily on the testimony of witnesses whose statements would thus be unsupported.

Although a few of these witnesses may be considered unreliable, the

sum total of their testimony together with the evidence presented during the course of our investigation leaves no doubt that some members of the Security Section committed a number of criminal acts. However, to place the entire issue of the erosion of constitutional rights through improper police intelligence activities on the testimony of these witnesses alone would work a disservice to the public, and to the cause of justice. The Grand Jury cannot turn back the clock to erase these transgres-

sions, but we can alert the public to guard against such excesses in the future.

Our report, along with a sealed list naming thirteen Chicago Police Department officers who have acted far beyond their authority, has been forwarded to the Superintendent of the Chicago Police Department. Hopefully, appropriate administrative action will be taken against these individuals.

This report together with disciplinary action against the individual police officers and the appropriate civil remedies available to those most directly aggrieved by these illegal actions should serve as a deterrent to others and a foundation upon which to work for the future.

II. Understanding the Intelligence System

(A) Functions of the Units Within the Security Section.

During our investigation the Grand Jury studied the structure and operation of Chicago Police Department's intelligence system. It is our opinion that this system produces inherently inaccurate and distorted data.

The intelligence activity of the Security Section centers around a group of officers in the "Analytical Section." All intelligence data is funneled to the officers, called "analysts." The analysts review data, recommend action, and forward reports to other units of the Chicago Police Department.

Each analyst is assigned a given number of target individuals and organizations. For example, one witness stated that he was responsible for six "anti-war" groups as well as "all the schools in the City of Chicago."

Intelligence reports submitted by operating officers who monitor events, and maintain surveillances are one source of the analysts' information. Control officers, who direct the actions of undercover police agents and civilian informants, prepare reports from information received from informants during de-briefing sessions. These reports are then submitted to the analysts. Another source of data for the analysts are newspaper and magazine articles which mention targeted individuals and organizations.

The conclusions and actions recommended were made on the basis of raw data and assumptions without any direct knowledge of the facts.

Until mid-1974, the analysts also had the responsibility of compiling weekly intelligence summaries. The summaries digested all reports and newspaper articles submitted to the analysts during the week. These weekly intelligence summaries, according to a distribution memorandum of the Chicago Police De-

partment, were then forwarded to high ranking police officials and to the office of the Mayor of the City of Chicago.

(B) Intelligence Reports.

The Grand Jury inquired into the accuracy and the propriety of the conclusions contained in the intelligence reports of the Chicago Police Department, and we learned that the narrative section of the report contains a summary of the actions and observations of the intelligence unit.

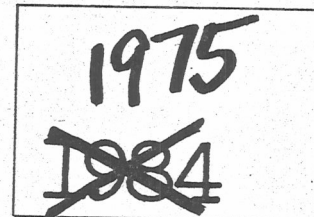
A "Qualification Sheet" listing the names of every person and organization mentioned in the narrative section is attached to the report. Characterizations of such individuals and organizations are included, for example:

John Brown anti-establishment beliefs.
John Smith financial contributor to subject organization.
Jane Roe Communist sympathizer.
John Jones anti-police attitudes.
Ken Doe attorney who represents protestors-activities.

The characterizations of individuals and organizations varied from report to report, usually influenced on the personal beliefs and pre-

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judices of the officer compiling the report. Personal views and prejudices can creep into the most skilled person's work, especially when evaluations are made of ideas, associations and political activities. Those areas of evaluation are particularly prone to distortion.

Security Section supervisors testified that the narrative portion of the report was to be "a strictly factual" account of what occurred. However, many of the reports reviewed by this Grand Jury contained obviously distorted characterizations and conclusions. The characterizations and conclusions were not limited to reports made by the undercover agents and informants, but also the opinions of the control officers who possessed no first hand knowledge of what had occurred.

For example, the report of a meeting where an elected official was a guest speaker stated that the meeting gave that official "an op-

portunity to take uncontested slaps at the Daley Machine."

The intelligence reports served as a vehicle to pin derogatory labels on persons and organizations. Much too often, these labels had very little basis in fact.

One large community group was labeled a subversive front organization simply because some persons involved with the group were members of an unpopular political organization. Persons who did not belong to this community group but who had attended some of its public meetings were also labeled members of a subversive front organization, solely because of their attendance.

Police officers, while on surveillance, reported the license numbers of all automobiles in the vicinity of a targeted community group meeting. The owners of the automobiles were determined and noted in the report as having parked outside or near the particular group's meeting. Even though that owner had not attended the meeting or had not even driven his car that evening, his name was nevertheless included in the surveillance report which was placed on file in the Intelligence Division. In accordance with police practices, a copy of the report naming him was later forwarded to federal intelligence agencies.

The Grand Jury submits that reports containing such unwarranted, unsupported and erroneous characterizations, assumptions and conclusions are outrageous violations of individual rights guar-

anteed by our Constitution.

(C) Intelligence Files.

The files containing the reports of the Security Section are for the most part organized on a "target group" basis. Each target group, organization, or institution, is assigned a basic file number and all reports relating to that organization carry that number. The reports are then filed in chronological order within that organization's file.

For example, let us assume that the file number for XYZ organization is 12345. The first report pertaining to XYZ would be numbered 12345.1, the second report would be 12345.2 and so on.

The mechanism for retrieving data from the files is an alphabetical card index system. The name of every person and every organization mentioned in intelligence reports is listed on the index card carrying the respective report number. The file number of every subsequent report is then listed on the index card or cards.

The following is an example of a typical index card:

John Doe

Attended XYZ meeting . . 12345.34
Spoke against police . . . 24479.56
Criticized Alderman . . . 67892.25
Gave money to XYZ

Organization 12345.79
Newspaper article on his
views on police 24479.57
Attended convention . . . 45678.90
Spoke against war 32456.42

The contention made by police officials that the Department does not keep files "on individuals" is merely a play on words since the index cards are quickly convertible into a dossier. Testimony disclosed that by using these index cards, a file on an individual could be compiled in a matter of minutes. Furthermore, in a substantial number of instances, including one involving a State Senator, actual name files were begun.

Prior to the study of intelligence gathering by this Grand Jury, the security and confidentiality of the intelligence files were non-existent. Employees of law enforcement and intelligence agencies, whether authorized or not, as well as nearly anyone remotely connected with any public office, had almost unlimited access to the information contained in the files. A policy requiring persons seeking this data to display a legitimate law enforcement purpose was seldom, if ever, enforced.

In addition, apparently without the knowledge of the persons responsible for the security of the files, a duplicate set of many of the files was kept at the Chicago Police Department's Navy Pier facility. This graphically illustrates the looseness of the security and the ease with which these reports could be misdirected.

(D) Lack of Guide Lines for Intelligence Officers.

The Grand Jury is shocked by

the limited education and lack of training of the members of the Security Section. Work as an intelligence officer requires the highest skills in police work, as well as knowledge of political institutions and how they grow and change. We found no provision for educational qualifications and training for intelligence officers.

We found, for example, that the experience and training of one officer transferred into the Security Section was limited to 19 years in the Traffic Division. Others obtained transfers into the unit just to be with friends or relatives. The Grand Jury submits that the people of Chicago deserve far better.

The Grand Jury also noted a definite lack of administrative controls over the Security Section by supervisors within the Police Department hierarchy.

When questioned before this Grand Jury as to whether they were aware of the Security Section's activities, high ranking police officials pleaded ignorance. If this is true, these police officials grossly neglected their duty to supervise the Security Section.

Further, the Grand Jury must point out that this testimony was contradicted by some police officers in the Security Section who said that some of the high police officials had been informed, and did know of their activities.

(E) Transmittal of Data to Federal Agencies.

Testimony before this Grand Jury revealed a close working relationship between the Chicago Police Department's Security Section and federal intelligence agencies.

From 1969 to 1971, the Security Section was in almost daily contact with the United States Army 113th Military Intelligence Group, then headquartered in Evanston, Illinois.

Some witnesses testified that intelligence data collected by the Security Section was routinely forwarded to the 113th Military Intelligence Group. Other witnesses told us that during this time the 113th Military Intelligence Group planned and conducted intelligence gathering operations in direct cooperation with the Chicago Police Department's Security Section.

In pursuing this testimony, a high ranking intelligence officer of the U.S. Army informed representatives of this Grand Jury that crucial records and documents had been destroyed. The absence of this documentary evidence thwarted our efforts to uncover the Army's role in sponsoring improper police intelligence activities.

The intelligence data acquired by the Security Section was also routinely funneled by the Federal Bureau of Investigation resulting in the creation of duplicate files by the FBI. Evidence showed that on at least two occasions employees of

these federal agencies violated federal law by supplying data contained in their files to the Security Section.

The mere fact that the information developed by the Security Section was, by this process, a part of the files of the two agencies gave greater credence to the conclusions originally drawn by the Security Section.

One police officer testified that it was his practice to list any person who attended two public meetings of an organization as a member of that organization. The conclusion that this person was a "member" of the organization was forwarded as a fact to the FBI. Subsequently, a law enforcement agency seeking background information on that person would be told that according to FBI files, that individual was or is a member of a particular organization. The number of innocent persons harmed by this unwarranted practice is impossible to estimate.

Since federal agencies accepted data from the Security Section without questioning the procedures followed, or methods used to gain information, the federal government cannot escape responsibility for the harm done to untold numbers of innocent persons.

Furthermore, the degree of federal involvement was demonstrated by a recent congressional study which indicated that as much as \$779,000 in federal funds was given to the Chicago Police Department Intelligence Division between 1972 and 1974.

III. Spying on Community Groups

(A) Targets and Methods.

In 1969, the Security Section of the Chicago Police Department launched a massive intelligence campaign against various community groups active in the Chicagoland area. The Grand Jury found that none of the many community groups brought to our attention advocated violence, nor had they exhibited any history of violence. Under no circumstances could these community groups be considered a proper target of the Chicago Police Department's intelligence gathering activities.

During this campaign, intelligence officers were assigned to attend public meetings conducted by these community groups. The officers summarized and characterized speeches including those delivered by public officials, representatives of the news media and members of religious groups. The intelligence officers also attempted to identify members of the general public who were in attendance.

Undercover agents and informants were used to penetrate the private planning sessions of the community groups. The undercover agents had no training as police officers, but were receiving full salaries as patrolmen. Informants were paid for each report.

The undercover agents and informants furnished the Security Section with listings of members and contributors to these organizations as well as background data on selected members.

Three undercover intelligence officers testified that they and other undercover agents and informants were instructed by control officers to assume roles of leadership in the community groups. A number of the agents and informants testified that they had succeeded in attaining positions of leadership.

One undercover officer became the president of the community group he had been instructed to infiltrate. After the election of the undercover agent, the organization began, not surprisingly, to experience a loss of membership and was soon in financial difficulty.

The Grand Jury cannot emphasize strongly enough that none of the testimony indicated even the slightest presence of any type of criminal activity with the various community groups under scrutiny.

After five years, the Chicago Police Department had nothing to show for their intensive efforts except a substantial waste of money and time, and a serious intrusion into the Constitutional rights of the people of Cook County.

(B) Reasons Offered for Infiltration of Community Groups.

The Grand Jury has carefully considered the official explanations given by the leadership of the Chicago Police Department for police spying on community groups and find them to be without any merit.

The first explanation offered to this Grand Jury by the leadership of the Chicago Police Department was that the "violent nature" of these groups required monitoring. This reason, however, was totally rebutted by the testimony of both undercover officers and members of the community groups. Undercover officers testified that they never witnessed the commission or advocacy of criminal activity by members of the targeted community groups.

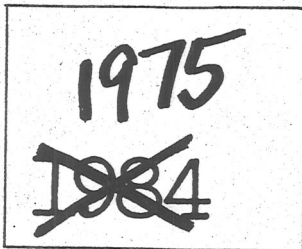
In fact, some undercover officers testified that they repeatedly questioned their superiors as to the need for continued infiltration since it was obvious that the organizations were peaceful and open in their operations.

The peaceful nature of the community groups was underscored by testimony of the police officials themselves who admitted that only a handful of disorderly conduct arrests resulted from five years of intensive intelligence activity.

"Traffic control" was another justification for infiltration offered to this Grand Jury by police officials.

The testimony of undercover agents and members of the community groups totally rebutted this explanation. These witnesses testi-

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 filed that at least 24-hour public notice was usually given for meetings and demonstrations in order to obtain a large turnout as well as news media coverage.

Even if advance notice of such meetings and demonstrations had not been given, it is difficult to understand why police officials could consider traffic control an excuse to ignore the Constitution of the United States.

The final argument given by the public officials for this intelligence activity has all the earmarks of a Police State. They argued that unless community groups are infiltrated by undercover agents or informants, the police will not be able to determine whether the community group is peaceful or violent.

In other words, these police officials *presumed* that persons who exercise their constitutional rights pose a threat to the community until they *proved* otherwise to the satisfaction of the police officials.

Such an attitude is contrary to the fundamental principles of democratic government which encourage active participation in the political process through the free and open exchange of ideas and associations.

The overwhelming weight of the evidence presented to this Grand Jury clearly established that the true motivation for spying on community groups was political.

All the targeted community groups had several characteristics in common. They represented people coming together to solve problems, and at one time or another were critical of the policies of the Mayor of Chicago. In addition, some groups which received the most intensive scrutiny had also been

openly critical of some policies of the Chicago Police Department.

The political nature of this intelligence gathering activity is demonstrated further by the intensive police interest in certain elected officials who were critical of the local political power structure.

Extensive intelligence files were maintained on such elected representatives. In some cases, files contained summaries of their speeches, and reports on their public appearances, as well as notations regarding their associates, financial contributors, and campaign issues.

An example of the gross political misuse of the intelligence operation can be seen from a comparison of two intelligence files. One file deals with a prominent elected official whose reputation is beyond reproach and who is well known for voicing his opposition to the established political forces in Chicago. The other file deals with the Legion of Justice, a now defunct organization which not only publicly advocated violence as means of securing its objectives, but which also publicly admitted the commission of such acts.

The file on the elected official is composed almost exclusively of undercover agent and informant reports, while the file on the Legion of Justice contains newspaper clippings almost exclusively. The elected official's file is more than five times the size of the file on the entire membership of the Legion of Justice. Political motivation is the only logical explanation for such a disparity.

(C) *The Effect of Police Spying on Community Groups.*

The open presence of police officers recording names and taking notes at public functions sponsored by a community groups has an obvious detrimental effect on that group.

The mere presence of these officers inhibits individuals from exercising their right to free speech. The fact that a community group may be under investigation fosters the conclusion that the group has broken or is breaking the law. Such a conclusion, even though erroneous, tends to drive away members and financial contributors.

The use of undercover agents

and informants to obtain lists of members and financial contributors is a flagrant violation of Constitutional Rights. The freedom of persons to associate for the advancement of beliefs and ideas is a fundamental aspect of liberty. Unless a compelling governmental interest can be demonstrated, a community group has a Constitutional Right to keep its membership confidential.

Similarly, the mere presence of undercover agents and informants at private meetings infringes upon constitutional rights. Citizens not only have the right to associate freely but they are entitled to a reasonable expectation of privacy in their association with one another.

When engaged in Constitutionally protected activity, citizens must be free to exercise these rights without fear that their activities will be recorded in governmental files. When the police maintain records on an individual simply because that individual has exercised his right to speak and associate freely, it is but a short journey to a Police State.

A program in which a police agency surreptitiously seeks to obtain control over a community group's policies and goals must not be tolerated in a free society. Such a program is indefensible and inexcusable. It is neither the right nor the responsibility of the police to determine whether a community group is to grow or wither.

Finally, political spying by police lowers the community's respect for law enforcement. Without the respect and support of the community, law enforcement agencies cannot operate effectively. The decision by high police officials to indiscriminately infiltrate community groups makes the difficult job of responsible law enforcement officers even more difficult.

IV. Improper Intelligence

Gathering Activities

(A) *Police Involvement in Criminal Acts.*

Evidence including testimony of police officers, established without question that certain members of the Chicago Police Department's Security Section committed criminal acts in order to gather intelligence data. Witnesses testified that certain high level police personnel were

aware of this activity.

Some officers testified that they believed it their duty to burglarize offices to gather intelligence data and to disrupt the activities of organizations by destroying mailing lists, lists of financial contributors, office equipment and even by stealing money.

Another method used to disrupt the activities of organizations was to inflict property damage on one organization and make it appear that the acts of vandalism were actually committed by a rival organization in order to cause friction between the organizations.

These acts of destruction were not limited to locally based organizations. In one instance, a police officer admitted that he illegally entered the Chicago offices of a presidential candidate, and removed records and office equipment in order to disrupt his campaign.

In another instance, testimony indicated that an undercover officer not only permitted, but actually encouraged a group to violate the residential picketing statute. This is another example of flagrant disrespect for the law by those sworn to uphold law.

In one of the most bizarre instances, a police officer admitted that he became the president of an organization and in that capacity urged members to commit acts of violence. That officer specifically urged members to shoot Chicago Police Officers. He even demonstrated the most strategic placement of snipers in downtown Chicago which would make possible the highest number of casualties. This testimony was confirmed by members of the organization.

Certain intelligence reports reviewed by this Grand Jury contain accounts of conversations which, because of their nature, could only have been acquired through illegal electronic eavesdropping.

Several officers said they were aware that illegal eavesdropping was used to gather intelligence information. One officer admitted aiding in the illegal tapping of telephone conversations on a number of occasions from 1969 to 1972. The officer stated that his instructions were "don't get caught." Although the officer testified that he was

never aware of the targets of the eavesdropping, he said the targets were listed in an electronic's log maintained by the Security Section.

This Grand Jury subpoenaed the electronic's log but was informed by the legal representatives of the Chicago Police Department that the records of electronic surveillances conducted prior to January of 1973 had been "routinely destroyed." Ironically, the log for photographic equipment going as far back as 1968 was not "routinely destroyed."

Several witnesses testified that members of the Security Section were present when acts of violence were committed against peaceably assembled individuals. These officers took no action to prevent the acts of violence or to arrest the guilty. In fact, on other occasions members of the Security Section tried to incite these same individuals to violence through the use of the most foul and abusive language. This was all part of a deliberate plan of harassment.

One group operating during this period was an organization known as the Legion of Justice, a now defunct militant organization which advocated violence as a means of obtaining its objectives. There is no question that some members of the Security Section maintained a close working relationship with the Legion of Justice. Our conclusion is not based solely upon the testimony of former members of the Legion of Justice, but rather on the totality of evidence presented to this Grand Jury.

In spite of the Legion of Justice's public statements accepting responsibility for criminal acts and their avowed intention to continue to commit such acts, the Security Section never engaged in a serious attempt to monitor or infiltrate this legitimate target of police scrutiny.

The Legion of Justice burglarized offices of various organizations during the time when such organizations were subjects of intensive surveillance and harassment by the Security Section. Officers of the Security Section also witnessed acts of violence by the Legion of Justice against members of these organizations, but failed to come to the aid of the victims.

Even if we disregarded the testi-

mony of the members of the Legion of Justice and viewed the evidence in a light most favorable to the Chicago Police Department, the fact remains that at the minimum, the Security Section acquiesced and encouraged the commission of illegal acts. The fact that officers who are sworn to uphold the law either condoned or directed such activities severely stains the integrity of law enforcement.

The hierarchy of the Chicago Police Department cannot escape their moral responsibility for the actions of members of the Security Section. They either condoned the actions or grossly neglected their supervisory duties.

(B) *The Days of Rage:*

Some Chicago police officers attempted to justify the surveillance of community groups by pointing to the October, 1969 disturbance known as "The Days of Rage."

The Weatherman faction of the Students for a Democratic Society had publicly announced their intention to commit acts of violence in the City of Chicago. This announcement together with their past history of violence placed that group within the scope of legitimate police infiltration and surveillance.

Undercover agents were able to successfully infiltrate the group. The agents identified the ring leaders, the locations targeted for violence, and the dates set for the acts of violence. The undercover agents forwarded this information to their superiors approximately a week prior to the actual disturbances.

The undercover officers who penetrated the group testified that they submitted reports detailing accounts of the meetings in which S.D.S. leaders agreed to commit acts of violence. These officers also witnessed acts in furtherance of this conspiracy including the gathering of weapons, the drawing of maps, and preparations for escape.

Armed with this information, the police could have arrested the leadership of the Weatherman faction of the S.D.S., and prevented the riots, but they did not. The Grand Jury asked Chicago police officials why they did not prevent the riots and the resulting destruction of property and physical harm, even though they possessed detailed,

corroborated evidence. Their reply was that the acts of violence *must actually occur* before any charges can be brought to the State's Attorney's office.

This, of course, is absurd and totally wrong. In Illinois, it is a crime to conspire to commit an offense if a step in furtherance of the agreement is committed. In this case, weapons were gathered, maps were drawn, escape routes established, and so forth.

The callous disregard for the health and property of those harmed during the "Days of Rage" is characteristic of the entire police spying operation. Peaceful groups were spied upon and disrupted for apparently political reasons while a violent group was permitted to carry out their intended plan of violence.

The sole and highest responsibility of law enforcement officials is to carry out their sworn and solemn duty to protect the public. Our investigation uncovered flagrant violations of this solemn oath. The responsibility for this abuse rests squarely on the leadership of the Chicago Police Department and the City of Chicago.

V. Recommendations

The Grand Jury Investigation 655 which focused exclusively on the Chicago Police Department's improper methods of gathering intelligence data clearly demonstrates that existing police intelligence practices pose a grave threat to the individual rights and freedoms which are basic to our democratic society.

Safeguards must be established and enforced to prevent a recurrence of these serious invasions of constitutional rights. However, the safeguards should not hamper the proper and legal use of undercover agents and informants to uncover criminal activity and to bring to justice those who make their living through crime.

Therefore, we submit the following recommendations in the hope that public consideration and governmental action will produce a formula for police intelligence which will protect individual rights and still permit the detection and apprehension of criminals.

(A) *Legislation.*

We, the Grand Jury, urge the Illinois General Assembly to enact

legislation designed to prevent the indiscriminate infiltration of community groups and to codify an individual's right to seek access to his or her intelligence file. The following is submitted for consideration by the General Assembly in formulating the legislation.

(1) *Community Group Infiltration.* The responsibility for the infiltration of a community group should rest firmly with the head of the law enforcement agency seeking authority to infiltrate—in Chicago, the Superintendent of Police. The application to infiltrate should also have the written approval of the highest elected official directly responsible for the law enforcement agency.

In order to minimize the adverse effects of infiltration on the community group, authorization to infiltrate through the use of undercover agents or paid informants should be limited to 90 days, with extensions available when necessary.

The final approval for infiltration should come from a body that is not influenced by political considerations. The Grand Jury, an arm of the judiciary, is best suited for this role. Twenty-three randomly selected individuals who can review a request in secret can best protect the rights of the individual and the general public.

The police agency requesting the authority to infiltrate a community group should be required to present evidence through the State's Attorney to the Grand Jury which clearly demonstrates a legitimate law enforcement need for the infiltration.

The State's Attorney should also be responsible for informing the Grand Jury of the police agency's guidelines for infiltration prior to a vote by the Grand Jury.

If the Grand Jury votes approval for the infiltration, the police agency must report back to the State's Attorney who in turn will report the results of the infiltration to the Grand Jury within 90 days of the authorization. At that time, the Grand Jury may extend authority for the infiltration for additional 90-day periods.

If after the first or any subsequent 90-day period, the evidence does not warrant further infiltration, all files pertaining to the community

group and its members which do not directly relate to criminal activities should be destroyed.

The authority to infiltrate should never permit the undercover agent or paid informant to advocate violence or to seek a leadership position within the community group.

A public official or employee who violates such a statute should be held both criminally and civilly liable for his actions.

(2) *Access to Intelligence Files.*

An individual should have the right to the information relating to him or her contained in police intelligence files. That right should be limited only by a clear demonstration of a compelling governmental need for secrecy, such as danger to the life of another. The head of the police agency involved should be held criminally and civilly liable for failure to enforce the legal right of persons to information relating to them contained in police intelligence files.

(B) *Intelligence Guidelines.*

We recognize that good judgment and proper police attitudes cannot be accomplished through legislation. However, the leadership of the Chicago Police Department can by finally recognizing their responsibility to protect the civil rights of the public they are sworn to serve. The first step toward this goal would be to establish and strictly enforce guidelines regulating the use and methods of gathering intelligence data.

Police must no longer regard a person or organization which questions police conduct as being anti-police or subversive.

We urge the Police Department to consider the following proposals:

(1) *Intelligence Files.* Intelligence files should not be kept on persons or organizations unless they are committing or threatening to commit criminal acts, or have a history of criminal activity.

No files should be maintained on any person or organization merely because of the person's position in government or candidacy for public office, nor because of race, creed, ethnic background or political beliefs.

In addition, the existing policy requiring persons seeking intelligence data to display a legitimate law

enforcement purpose must be strictly enforced.

Current intelligence files which do not meet these guidelines should be immediately destroyed. All intelligence files should be reviewed at least twice yearly to insure removal and destruction of outdated and erroneous material. Cooperating law enforcement agencies should be notified of the destruction of the data.

(2) *Intelligence Personnel Requirements.* No officer should be employed in the intelligence work until he or she has received adequate training as a law enforcement officer.

Intelligence Officers should be schooled in political science, the history of the City of Chicago and American history, including an in-depth study of the United States Constitution, with special emphasis on the Bill of Rights.

VI. Conclusion

The Grand Jury wishes to express its gratitude to the State's Attorney and the Assistant State's Attorneys who worked so diligently to aid this Grand Jury in our search for truth.

Because of the gravity of the problems created by improper police intelligence activity and the dire need to build safeguards for the future, we direct the State's Attorney of Cook County to make this report public.

Recent news media disclosures indicate that the Chicago Police Department may be continuing to abuse its intelligence gathering functions through unwarranted and illegal surveillance and infiltration. These allegations merit an immediate investigation by the State's Attorney to determine the validity of the charges.

As we have emphasized in this report, such conduct by those who have taken an oath to uphold and enforce our laws must not be tolerated in a free society.

The State's Attorney is urged to carefully monitor police intelligence gathering practices to prevent future abuse.

Signed: Sylvester A. Maida, Foreman, Extended March 1975 Cook County Grand Jury. Linda S. Leon, Secretary, Extended March 1975 Cook County Grand Jury.